TITLE 39—POSTAL SERVICE

This title was enacted by Pub. L. 91-375, § 2, Aug. 12, 1970, 84 Stat. 719

PART I—GENERAL

CHAPTER 4—GENERAL AUTHORITY

§ 406. Postal services at Armed Forces installations

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403, 3401 of this title; title 42 section 1973dd-2b.

§ 410. Application of other laws

[See main edition for text of (a)]

(b) The following provisions shall apply to the Postal Service:

(1) section 552 (public information), section 552a (records about individuals), section 552b (open meetings), 3102[1] (employment of reading assistants for blind employees and interpreting assistants for deaf employees), section 3110 (restrictions on employment of relatives), section 3333 and chapters 72 (antidiscrimination; right to petition Congress) and 73 (suitability, security, and conduct of employees), section 5520 (withholding city income or employment taxes), and section 5532 (dual pay) of title 5, except that no regulation issued under such chapters or section shall apply to the Postal Service unless expressly made applicable;

[See main edition for text of (2) to (8); (c) and (d)]

(As amended Pub. L. 95-454, title III, § 302(c), title VII, § 703(c)(4), Oct. 13, 1978, 92 Stat. 1146, 1217.)

AMENDMENTS

1978—Subsec. (b)(1). Pub. L. 95-454 added provisions relating to reading and interpreting assistants, and substituted provisions respecting applicability of chapter 72 of title 5, for provisions respecting applicability of chapter 71 of title 5.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as an Effective Date of 1978 Amendment note under section 1101 of Title 5, Government Organization and Employees.

[1] So in original. Probably should read "section 3102".

PART II—PERSONNEL

CHAPTER 10—EMPLOYMENT WITHIN THE POSTAL SERVICE

§ 1002. Political recommendations

[See main edition for text of (a) to (f)]

(g) The provisions of this section shall not affect the right of an officer or employee of the Postal Service to petition Congress as authorized by section 7211 of title 5.

(As amended Pub. L. 95-454, title VII, § 703(c)(5), Oct. 13, 1978, 92 Stat. 1217.)

AMENDMENTS

1978—Subsec. (g). Pub. L. 95-454 substituted "7211" for "7102".

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as an Effective Date of 1978 Amendment note under section 1101 of Title 5, Government Organization and Employees.

§ 1005. Applicability of laws relating to Federal employees

TRANSFER OF FUNCTIONS

All functions vested by statute in the United States Civil Service Commission or the Chairman thereof were transferred to the Director of the Office of Personnel Management (except as otherwise specified) by Reorg. Plan No. 2 of 1978, § 102, 43 F.R. 36037, 92 Stat. 3784, set out under section 1101 of Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

PART III—MODERNIZATION AND FISCAL ADMINISTRATION

CHAPTER 24—APPROPRIATIONS AND ANNUAL REPORT

§ 2401. Appropriations

[See main edition for text of (a) and (b)]

(c) There are authorized to be appropriated to the Postal Service each year a sum determined by the Postal Service to be equal to the difference between the revenues the Postal Service would have received if sections 3217, 3403-3405, and 3626 of this title, the Overseas Citizens Voting Rights Act of 1975, and the Federal Voting Assistance Act of 1955 had not been enacted and the estimated revenues to be

received on mail carried under such sections and Acts.

[*See main edition for text of (d) to (i)*]

(As amended Pub. L. 95-593, § 11(a), Nov. 4, 1978, 92 Stat. 2538.)

REFERENCES IN TEXT

The Overseas Citizens Voting Rights Act of 1975, referred to in subsec. (c), is Pub. L. 94-203, Jan. 2, 1976, 89 Stat. 1142, as amended, which is classified generally to subchapter I-E (§ 1973dd et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1973dd of Title 42 and Tables.

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-593 added provisions relating to applicability of the Overseas Citizens Voting Rights Act of 1975.

PART IV—MAIL MATTER

CHAPTER 30—NONMAILABLE MATTER

§ 3001. Nonmailable matter

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3005 of this title.

§ 3005. False representations; lotteries

(a) Upon evidence satisfactory to the Postal Service that any person is engaged in conducting a scheme or device for obtaining money or property through the mail by means of false representations, including the mailing of matter which is nonmailable under section 3001(d) of this title, or is engaged in conducting a lottery, gift enterprise, or scheme for the distribution of money or of real or personal property, by lottery, chance, or drawing of any kind, the Postal Service may issue an order which—

(1) directs the postmaster of the post office at which mail arrives, addressed to such a person or to his representative, to return such mail to the sender appropriately marked as in violation of this section, if the person, or his representative, is first notified and given reasonable opportunity to be present at the receiving post office to survey the mail before the postmaster returns the mail to the sender; and

(2) forbids the payment by a postmaster to the person or his representative of any money order or postal note drawn to the order of either and provides for the return to the remitter of the sum named in the money order or postal note.

For purposes of the preceding sentence, the mailing of matter which is nonmailable under such section 3001(d) by any person shall constitute prima facie evidence that such person is engaged in conducting a scheme or device for obtaining money or property through the mail by false representations.

[*See main edition for text of (b) to (d)*]

(As amended Pub. L. 95-360, Sept. 9, 1978, 92 Stat. 594.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-360 added provisions relating to nonmailable matter under section 3001(d) of this title.

CHAPTER 32—PENALTY AND FRANKED MAIL

§ 3202. Penalty mail

(a) Subject to the limitations imposed by sections 3204 and 3207 of this title, there may be transmitted as penalty mail—

[*See main edition for text of (1) to (4)*]

[(5) Repealed. Pub. L. 94-553, § 105(e), Oct. 19, 1976, 90 Stat. 2599]

[*See main edition for text of (b) and (c)*]

(As amended Pub. L. 94-553, § 105(e), Oct. 19, 1976, 90 Stat. 2599.)

AMENDMENTS

1976—Subsec. (a)(5). Pub. L. 94-553 struck out subsec. (a)(5) which related to articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3203, 3206 of this title; title 22 section 2905.

§ 3204. Restrictions on use of penalty mail

TRANSFER OF FUNCTIONS

The Federal Power Commission was terminated and its functions, personnel, property, funds, etc., were transferred to the Secretary of Energy (except for certain functions which were transferred to the Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1701z-2; title 15 section 637; title 16 section 460*l*-1; title 29 section 940; title 42 sections 2942, 5042.

§ 3206. Reimbursement for penalty mail service

(a) Except as provided in subsection (b) of this section, executive departments and agencies, independent establishments of the Government of the United States, and Government corporations concerned, shall transfer to the Postal Service as postal revenue out of any appropriations or funds available to them, as a necessary expense of the appropriations or funds and of the activities concerned, the equivalent amount of postage due, as determined by the Postal Service, for matter sent in the mails by or to them as penalty mail under authority of section 3202 of this title.

(b) The Department of Agriculture shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clauses (1)(F) and (4) of section 3202(a) of this title.

(c) The Department of State shall transfer to the Postal Service as postal revenues out of any appropriations made to it for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (1)(C) and (D) of section 3202(a) of this title.

(As amended Pub. L. 94-553, § 105(e), Oct. 19, 1976, 90 Stat. 2599.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-553 substituted reference to "subsection (b)" for reference to "subsections (b) and (c)".

Subsec. (c). Pub. L. 94-553 redesignated former subsec. (d) as (c). Former subsec. (c), directing the Library of Congress, to transfer to the Postal Service as postal revenues out of any appropriations made to the Library for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (5) of section 3202(a) of this title, was stricken.

Subsec. (d). Pub. L. 94-553 redesignated former subsec. (d) as (c).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

§ 3210. Franked mail transmitted by the Vice President, Members of Congress, and congressional officials

[See main edition for text of (a)]

(b)(1) The Vice President, each Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, and the Senate Legal Counsel may send, as franked mail, matter relating to their official business, activities, and duties, as intended by Congress to be mailable as franked mail under subsection (a)(2) and (3) of this section.

(2) If a vacancy occurs in the Office of the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, or the Senate Legal Counsel any authorized person may exercise the franking privilege in the officer's name during the period of the vacancy.

[See main edition for text of (3); (c) to (f)]

(As amended Pub. L. 95-521, title VII, § 714(a), Oct. 26, 1978, 92 Stat. 1884.)

AMENDMENTS

1978—Subsec. (b)(1). Pub. L. 95-521, § 714(a)(1), authorized the Senate Legal Counsel to send, as franked mail, matter relating to official business.

Subsec. (b)(2). Pub. L. 95-521, § 714(a)(2), provided that any authorized person may exercise the franking privilege accorded the Senate Legal Counsel during any period of vacancy in such office.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-521 effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as an Effective Date note under section 288 of Title 2, The Congress.

§ 3216. Reimbursement for franked mailings

(a) The equivalent of—

(1) postage on, and fees and charges in connection with, mail matter sent through the mails—

(A) under the franking privilege (other than under section 3219 of this title), by the Vice President, Members of and Members-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, each of the elected officers of the House of Representatives (other than a Member of the House), the Legislative Counsels of the House of Representatives and the Senate, and the Senate Legal Counsel; and

(B) by the surviving spouse of a Member of Congress under section 3218 of this title; and

(2) those portions of fees and charges to be paid for handling and delivery by the Postal Service of Mailgrams considered as franked mail under section 3219 of this title;

shall be paid by a lump-sum appropriation to the legislative branch for that purpose and then paid to the Postal Service as postal revenue. Except as to Mailgrams and except as provided by sections 733 and 907 of title 44, envelopes, wrappers, cards, or labels used to transmit franked mail shall bear, in the upper right-hand corner, the sender's signature, or a facsimile thereof.

[See main edition for text of (b) to (d)]

(As amended Pub. L. 95-521, title VII, § 714(b), Oct. 26, 1978, 92 Stat. 1884.)

AMENDMENTS

1978—Subsec. (a)(1)(A). Pub. L. 95-521 provided for reimbursement of the Senate Legal Counsel for franked mailings.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-521 effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as an Effective Date note under section 288 of Title 2, The Congress.

§ 3219. Mailgrams

Any Mailgram sent by the Vice President, a Member of or Member-elect to Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, an elected officer of the House of Representatives (other than a Member of the House), the Legislative Counsel of the House of Representatives or the Senate, or the Senate Legal Counsel and then delivered by the Postal Service, shall be considered as franked mail, subject to section 3216(a)(2) of this title, if such Mailgram contains matter of the kind authorized to be sent by that official as franked mail under section 3210 of this title.

(As amended Pub. L. 95-521, title VII, § 714(c), Oct. 26, 1978, 92 Stat. 1884.)

AMENDMENTS

1978—Pub. L. 95-521 authorized the Senate Legal Counsel to send mailgrams as franked mail.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-521 effective Jan. 3, 1979, see section 717 of Pub. L. 95-521, set out as an Effective Date note under section 288 of Title 2, The Congress.

CHAPTER 34—ARMED FORCES AND FREE POSTAGE

§ 3401. Mailing privileges of members of Armed Forces of the United States and of friendly foreign nations

TERMINATION OF CIVIL AERONAUTICS BOARD AND TRANSFER OF CERTAIN FUNCTIONS

All functions, powers, and duties of the Civil Aeronautics Board were terminated or transferred by section 1551 of Title 49, Transportation, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985. All such functions, powers, and duties of the Board under section 1301 et seq. of Title 49, relating to the determination of rates for the carriage of mails in interstate and overseas air transportation were transferred to the Postal Service, effective Jan. 1, 1985, by section 1551(b)(1)(D) of Title 49.

CHAPTER 36—POSTAL RATES, CLASSES, AND SERVICES

SUBCHAPTER I—POSTAL RATE COMMISSION

§ 3604. Administration

EX. ORD. NO. 11570. REGULATION OF CONDUCT FOR POSTAL RATE COMMISSION AND ITS EMPLOYEES

Ex. Ord. No. 11570, Nov. 24, 1970, 35 F.R. 18183, as amended by Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, provided:

[See main edition for text of first two pars.]

SECTION 101. The Commission is subject to Executive Order No. 11222 of May 8, 1965 [set out as a note under section 201 of Title 18, Crimes and Criminal Procedure], "Prescribing Standards of Ethical Conduct for Government Officers and Employees," and Part 735 of the regulations of the Office of Personnel Management (5 CFR Part 735).

SEC. 102. The Office of Personnel Management shall prepare initial standards of conduct regulations for the Commission. The regulations shall contain such provisions as will ensure that the Commissioners and employees of the Commission are fully guarded against involvement in conflicts of interest situations, or the appearance thereof, or other conduct that may lessen public confidence. The regulations shall include provision for:

(a) concurrent filing of confidential statements of outside employment and financial interests by employees of the Commission with a designated official of the Commission and the Director of the Office of Personnel Management;

[See main edition for text of (b) and (c)]

SEC. 103. The Office of Personnel Management shall issue the initial standards of conduct regulations applicable to the Commission not later than 120 days after the effective date of this Order. Thereafter, the Office may from time to time amend the regulations, consistent with this Order. The regulations and any amendments thereto shall be published in the FEDERAL REGISTER.

SUBCHAPTER II—PERMANENT RATES AND CLASSES OF MAIL

§ 3626. Reduced rates

[See main edition for text of (a) to (d)]

(e)(1) In the administration of this section, the rates for third-class mail matter mailed by a qualified political committee shall be the rates currently in effect under former section 4452 of this title for third-class mail matter mailed by a qualified nonprofit organization.

(2) For purposes of this subsection—

(A) the term "qualified political committee" means a national or State committee of a political party, the Republican and Democratic Senatorial Campaign Committees, the Democratic National Congressional Committee, and the National Republican Congressional Committee;

(B) the term "national committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the national level; and

(C) the term "State committee" means the organization which, by virtue of the bylaws of a political party, is responsible for the day-to-day operation of such political party at the State level.

(As amended Pub. L. 95-593, § 11(c), Nov. 4, 1978, 92 Stat. 2538.)

REFERENCES IN TEXT

Former sections 4358, 4359, 4421, 4422, 4452, or 4554 of this title, referred to in subsec. (a), former sections 4351 and 4352 through 4357 of this title, referred to in subsec. (b), former section 4358 of this title, referred to in subsec. (c), former sections 4358, 4452, and 4554 of this title, referred to in subsec. (d), and former section 4452, referred to in subsec. (e)(1), mean the aforesaid sections which were classified to former Title 39, The Postal Service, prior to the general revision and reenactment of Title 39 by Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

AMENDMENTS

1978—Subsec. (e). Pub. L. 95-593 added subsec. (e).

§ 3627. Adjusting free and reduced rates

If Congress fails to appropriate an amount authorized under section 2401(c) of this title for any class of mail sent at a free or reduced rate under section 3217, 3403-3405, or 3626 of this title, under the Federal Voting Assistance Act of 1955, or under the Overseas Citizens Voting Rights Act of 1975 the rate for that class may be adjusted in accordance with the provisions of this subchapter so that the increased revenues received from the users of such class will equal the amount for that class that the Congress was to appropriate.

(As amended Pub. L. 95-593, § 11(b), Nov. 4, 1978, 92 Stat. 2538.)

REFERENCES IN TEXT

The Overseas Citizens Voting Rights Act of 1975, referred to in text, is Pub. L. 94-203, Jan. 2, 1976, 89 Stat. 1142, as amended, which is classified generally to subchapter I-E (§ 1973dd et seq.) of chapter 20 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1973dd of Title 42 and Tables.

AMENDMENTS

1978—Pub. L. 95-593 added provisions relating to applicability of the Overseas Citizens Voting Rights Act of 1978.

PART V—TRANSPORTATION OF MAIL

CHAPTER 50—GENERAL

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 49 section 10721.

§ 5005. Mail transportation

TERMINATION OF CIVIL AERONAUTICS BOARD AND TRANSFER OF CERTAIN FUNCTIONS

All functions, powers, and duties of the Civil Aeronautics Board were terminated or transferred by section 1551 of Title 49, Transportation, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

CHAPTER 52—TRANSPORTATION OF MAIL BY SURFACE CARRIER

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 49 section 10721.

§ 5201. Definitions

For purposes of this chapter—

[*See main edition for text of (1)*]

(2) "carrier" and "regulated surface carrier" mean a railroad, a freight forwarder, a motor common carrier, or express carrier;

[*See main edition for text of (3) and (4)*]

(5) "motor common carrier" means a motor common carrier, except a passenger-carrying motor vehicle of such a carrier, within the meaning of section 10102(11) of title 49, that holds a certificate of public convenience and necessity issued by the Commission;

(6) "express carrier" means any express carrier engaged in transportation as a common carrier for hire under section 10102(7);[1]

[*See main edition for text of (7) and (8)*]

(As amended Pub. L. 95-473, § 2(a)(4)(A)-(C), Oct. 17, 1978, 92 Stat. 1465.)

AMENDMENTS

1978—Par. (2). Pub. L. 95-473, § 2(a)(4)(A), substituted "motor common carrier, or express carrier" for "motor carrier, or an express company".

Par. (5). Pub. L. 95-473, § 2(a)(4)(B), substituted "'motor common carrier' means a motor common carrier, except a passenger-carrying motor vehicle of such a carrier, within the meaning of section 10102(11) of title 49, that holds a certificate of public convenience and necessity issued by the Commission" for "'motor carrier' means any common carrier by motor vehicle, except a passenger-carrying motor vehicle, within the meaning of section 303(a)(14) of title 49, which holds a certificate of public convenience and necessity issued by the Commission".

Par. (6). Pub. L. 95-473, § 2(a)(4)(C), substituted "carrier" for "company" and "section 10102(7)" for "section 1(3) of title 49".

§ 5203. Authorization of service by carrier

[*See main edition for text of (a) to (e)*]

(f) Any order or determination of the Postal Service providing for the transportation of mail by a motor common carrier shall be filed with the Commission. If the Commission finds, within 90 days after the filing, that the order or determination will be detrimental to the motor common carrier or its other customers, or that such carrier does not operate equipment suitable for the transportation of mail, the order or determination shall be terminated.

[*See main edition for text of (g)*]

(As amended Pub. L. 95-473, § 2(a)(4)(D), Oct. 17, 1978, 92 Stat. 1465.)

AMENDMENTS

1978—Subsec. (f). Pub. L. 95-473 substituted "motor common carrier" for "motor carrier" in two places.

§ 5215. Star route certification

(a) Any person who was a contractor under a star route, mail messenger, or contract motor vehicle service contract on the effective date of this section (or successor in interest to any such person), shall, upon application to the Commission for the territory within which such contractor operated on or before the effective date of this section be issued a certificate of public convenience and necessity as a motor common carrier for the transportation of mail by the Commission without the Commission's requiring further proof that the public convenience and necessity will be served by such operation and without further proceedings.

[*See main edition for text of (b) and (c)*]

(As amended Pub. L. 95-473, § 2(a)(4)(E), Oct. 17, 1978, 92 Stat. 1465.)

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-473 substituted "motor common carrier" for "motor carrier".

CHAPTER 54—TRANSPORTATION OF MAIL BY AIR

§§ 5401, 5402

TERMINATION OF CIVIL AERONAUTICS BOARD AND TRANSFER OF CERTAIN FUNCTIONS

All functions, powers, and duties of the Civil Aeronautics Board were terminated or transferred by section 1551 of Title 49, Transportation, effective in part on Dec. 31, 1981, in part on Jan. 1, 1983, and in part on Jan. 1, 1985.

[1] So in original. Probably should read "section 10102(7) of title 49;".

PART V—TRANSPORTATION OF MAIL